

109TH CONGRESS
2D SESSION

S. 3839

To amend title II of the Social Security Act to provide that the eligibility requirement for disability insurance benefits under which an individual must have 20 quarters of Social Security coverage in the 40 quarters preceding a disability shall not be applicable in the case of a disabled individual suffering from a covered terminal disease.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2006

Mr. DODD introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title II of the Social Security Act to provide that the eligibility requirement for disability insurance benefits under which an individual must have 20 quarters of Social Security coverage in the 40 quarters preceding a disability shall not be applicable in the case of a disabled individual suffering from a covered terminal disease.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Claire Collier Social
5 Security Disability Insurance Fairness Act”.

1 **SEC. 2. EXCEPTION FROM 20/40 REQUIREMENT FOR DIS-**
 2 **ABILITY INSURANCE BENEFITS FOR INDIVID-**
 3 **UALS SUFFERING FROM A COVERED TER-**
 4 **MINAL DISEASE.**

5 (a) EXCEPTION FROM RECENT WORK REQUIRE-
 6 MENT.—

7 (1) IN GENERAL.—Section 223(c)(1) of the So-
 8 cial Security Act (42 U.S.C. 423(c)(1)) is amended
 9 in the flush matter following subparagraph (B)(iii)
 10 by inserting “or suffering from a covered terminal
 11 disease” after “216(i)(1))”.

12 (2) CONFORMING AMENDMENT.—Section
 13 216(i)(3) of such Act (42 U.S.C. 416(i)(3)) is
 14 amended in the flush matter following subparagraph
 15 (B)(iii) by inserting “or suffering from a covered
 16 terminal disease” after “paragraph (1))”.

17 (b) DEFINITION OF COVERED TERMINAL DISEASE.—

18 Not later than 60 days after the date of enactment of this
 19 Act, the Commissioner of Social Security shall issue a pro-
 20 posed rule defining the term “covered terminal disease”
 21 for purposes of sections 216(i)(3) and 223(c)(1) of the So-
 22 cial Security Act (as amended by subsection (a)) that shall
 23 include (but not be limited to) those diseases that are in-
 24 curable, progressive, and terminal, including
 25 neurodegenerative and neurological diseases that are likely
 26 to cause death within a 5-year period of onset.

1 (c) INTERIM FINAL AND FINAL RULES.—

2 (1) INTERIM FINAL RULE.—Not later than 90
3 days after the date of enactment of this Act, the
4 Commissioner of Social Security shall issue an in-
5 terim final rule defining the term “covered terminal
6 disease” in accordance with the requirements of sub-
7 section (b) and shall provide for a period of public
8 comments on such rule.

9 (2) FINAL RULE.—Not later than 6 months
10 after the date of enactment of this Act, the Commis-
11 sioner of Social Security shall issue a final rule de-
12 fining the term “covered terminal disease” in ac-
13 cordance with the requirements of subsection (b)
14 and consideration of any public comments received
15 during the period required under paragraph (1).

16 (d) EFFECTIVE DATE.—The amendments made by
17 subsection (a) shall take effect on the date of enactment
18 of this Act and shall apply to any applications for dis-
19 ability insurance benefits under title II of the Social Secu-
20 rity Act that are pending or filed on or after that date.

○